

Island of



Guernsey

## Ordinance of the States

**VII**  
**2019**

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Made ..... 15th January, 2019

Laid before the States ..... 27th March, 2019

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### **The Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019**

# **The Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019**

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolution of the States of 14<sup>th</sup> December, 2018<sup>a</sup>, in exercise of the powers conferred upon the States by sections 3 and 6 of the Public Transport (Guernsey) Law, 1984<sup>b</sup> and all other powers enabling them in that behalf, and in exercise of the powers conferred on that Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948<sup>c</sup>, hereby orders:-

## **Periodic testing of motor vehicles and trailers.**

1. (1) The Committee must, by regulations, establish a scheme for the periodic technical inspection of motor vehicles and trailers in accordance with the provisions of this Ordinance for the purpose of ensuring –

- (a) compliance with the requirements of the Vienna Convention, and any prescribed statutory requirements relating to the construction and condition of motor vehicles and trailers, and
- (b) that the condition of motor vehicles and trailers in the Island should not be such that their use on a public

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<sup>a</sup> Article XVIII of Billet d'État No. XXVII of 2018.

<sup>b</sup> Ordres en Conseil Vol. XXVIII, p. 423; amended by Order in Council No. XI of 2017.

<sup>c</sup> Ordres en Conseil Vol. XIII, p. 288; amended by Order in Council No. XVII of 2015; there are other amendments not relevant to this Ordinance.

highway would involve a danger of injury to any person.

- (2) Regulations under this section must make provision –
  - (a) for the inspection of motor vehicles and trailers submitted for inspection under this section, and
  - (b) for the issue, where it is found on such an inspection that the requirements mentioned in subsection (1) are complied with, of a certificate (referred to as a "**test certificate**") that at the date of the inspection the requirements were complied with in relation to the motor vehicle or trailer.
- (3) Inspections for the purposes of this section shall be carried out by persons, and at premises, authorised for these purposes by the Committee.

**Regulations under section 1.**

- 2. (1) Regulations under section 1 may, without limitation, make provision as to –
  - (a) the description of motor vehicles and trailers to which the scheme applies, by reference to any factor which appears to the Committee to be relevant, including –
    - (i) the class of motor vehicle,
    - (ii) the date of registration (whether in the Island or

elsewhere), manufacture, import into the Island or first use of the motor vehicle or trailer (in the Island or elsewhere),

- (iii) the purpose for which the motor vehicle or trailer is, or is to be, used, including whether such motor vehicle or trailer is intended to be used in international traffic,
- (b) the exemption from the scheme of motor vehicles and trailers of a prescribed description or use,
- (c) the authorisation of examiners and premises in accordance with section 1(3), including the conditions attached to such authorisation and the circumstances in which such authorisation may be terminated,
- (d) the frequency of inspections and the manner in which inspections are to be carried out, including provision for re-inspection in prescribed circumstances,
- (e) the form of, and particulars to be contained in, test certificates, and the issue of copies thereof,
- (f) the fees to be charged in relation to the inspection of motor vehicles and trailers, the issue of test certificates and ancillary matters,
- (g) the manner and time within which appeals may be

brought against refusal to grant a test certificate.

(2) Without prejudice to subsection (1), Regulations under section 1 must make such provision as the Committee thinks fit for the phased introduction of periodic technical inspections of motor vehicles and trailers in accordance with the following schedule –

- (a) on or before 1st April, 2019, the annual inspection of public service vehicles which are licensed under the Public Transport Ordinance, 1986<sup>d</sup>,
- (b) on or before 1st April, 2021, the inspection of –
  - (i) motor vehicles to be used on a public highway on a journey which will involve entering a country, outside the British Islands, that is a party to the Vienna Convention, or
  - (ii) previously registered ("not new") motor vehicles which are imported into the Island and which at the date of importation are registered outside the Island,
- (c) on or before 1st April, 2023, the inspection of –

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<sup>d</sup> Recueil d'Ordonnances Tome XXIII, p. 351; amended by Ordres en Conseil Vol. XXXI, p. 278; Tome XXIV, pp. 103 and 265; Tome XXVI, pp. 152 and 370; Ordinance Nos. VI and XXI of 2001; No. XXXIII of 2003; Nos. VII and LIII of 2008; No. XLIII of 2013; Nos. IX and XXIV of 2016; No. XLI of 2017; G.S.I. No. 10 of 2013; No. 40 of 2017.

- (i) motor vehicles used for the carriage of goods whose maximum gross weight exceeds 3,500 kilograms, and trailers designed to be drawn by such motor vehicles,
- (ii) motor vehicles, other than those falling within paragraph (a), used for the carriage of passengers and having more than eight seats in addition to the driver's seat,
- (iii) any motor vehicle not falling within subparagraphs (i) and (ii),

to the intent that a scheme for the periodic technical inspection of all prescribed motor vehicles and trailers, subject to any prescribed exemptions, shall be in place and fully operative with effect on or before 1st April 2025.

**Obligatory test certificates.**

3. (1) A person who uses on a public highway at any time, or causes or permits to be so used, a motor vehicle or trailer –

- (a) to which a scheme established under section 1 applies, and
- (b) in respect of which no test certificate has been issued within the appropriate period before that time,

is guilty of an offence and liable on summary conviction to a fine not exceeding level

2 on the uniform scale.

(2) For the purposes of subsection (1)(b), the "**appropriate period**" means such period as the Committee may by regulations prescribe.

**Amendment of 1986 Ordinance.**

4. In the Public Transport Ordinance, 1986 -

(a) in section 10(1)(a)(v), immediately after "conditions as to fitness" insert "(including, without limitation, any applicable requirements as to the construction and use of motor vehicles)",

(b) immediately after section 10(1)(a), insert -

"(aa) where the motor vehicle in respect of which the licence is being applied for is one to which a scheme established under the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019 applies, that there is in respect of that vehicle a valid test certificate issued under such a scheme",

(c) immediately after section 11(2), insert -

"(3) A public service vehicle licence shall cease to be valid if there ceases to be in force in relation to the vehicle a valid test certificate issued under a scheme established under the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019 which is applicable

to that vehicle.”.

**Interpretation.**

5. In this Ordinance, unless the context otherwise requires –

"**carriage of goods**" includes the haulage of goods,

"**class**", in relation to a motor vehicle, has the meaning given in the Driving Licences (Guernsey) Ordinance, 1995<sup>e</sup>,

"**Committee**" means the Committee for the Environment & Infrastructure,

"**Island**" means the island of Guernsey,

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on a public highway,

"**prescribed**" means prescribed by regulations of the Committee,

"**public service vehicle**" has the meaning given in the Public Transport Ordinance, 1986,

"**test certificate**": see section 1(2),

"**trailer**" means anything on wheels which is intended or adapted to

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<sup>e</sup> Recueil d'Ordonnances Tome XXVI, p. 374. There are amendments not relevant to this enactment.

be drawn by a motor vehicle,

"**Vienna Convention**" means the Convention on Road Traffic, done at Vienna on 8th November, 1968.

**Extent.**

6. This Ordinance shall have effect in the Island of Guernsey.

**Citation.**

7. This Ordinance may be cited as the Road Traffic (Motor Vehicles and Trailers) (Periodic Technical Inspections) Ordinance, 2019.

**Commencement.**

8. This Ordinance shall come into force on the date appointed by Regulations of the Committee, and different dates may be appointed for different provisions and for different purposes.

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